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**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
MISSOULA DIVISION**

SAMANTHA ALARIO, et al.,

Plaintiffs,

and

TIKTOK INC.,

Consolidated Plaintiff,

v.

AUSTIN KNUDSEN, *in his official
capacity as Attorney General of the
State of Montana,*

Defendant.

CV 23-56-M-DWM
CV 23-61-M-DWM

**JOINT MOTION FOR FURTHER
STAY OF PROCEEDINGS**

The parties, through their respective counsel, jointly move to extend the stay of proceedings in this case, pending the President’s determination of an appropriate course of action with respect to TikTok in connection with the Protecting Americans from Foreign Adversary Controlled Applications Act.

I. Background

On May 15, 2024, this Court, at the joint request of the parties, stayed this case pending resolution of Consolidated Plaintiff TikTok Inc.’s petition for review in the D.C. Circuit (Case No. 24-1113) of the Foreign Adversary Controlled Applications Act, Pub. L. No. 118-50, div. H, 138 Stat. 895, 955-60 (2024) (the “Act”). The Court directed the parties to file a status report within 30 days of the final adjudication of the D.C. Circuit action.

On January 17, 2025, the Supreme Court affirmed the D.C. Circuit’s decision upholding the Act as constitutional (attached hereto as **Exhibit A**), marking the final adjudication of Consolidated Plaintiff TikTok Inc.’s petition for review.

On January 20, 2025, President Trump signed an Executive Order (attached hereto as **Exhibit B**) directing his Attorney General not to take any action on behalf of the United States to enforce the Act for 75 days in order to permit his Administration an opportunity to determine the appropriate course of action with respect to TikTok.

II. Legal Standard

This Court “possesses inherent authority to stay federal proceedings pursuant to its docket management powers.” *In re PG&E Corp. Sec. Litig.*, 100 F.4th 1076, 1085 (9th Cir. 2024) (quotation marks omitted). This Court may issue a stay when, in consideration of fairness to the parties, the stay furthers “the orderly course of justice measured in terms of the simplifying . . . of issues, proof, and questions of law.” *Id.*

III. Extending the Stay is Appropriate in this Case.

The parties respectfully submit that it would be appropriate to extend the stay of proceedings in this matter pending the President’s determination of an appropriate course of action with respect to TikTok. That determination bears upon, *inter alia*, the preemption analysis in this case, and a stay would further the orderly course of justice by simplifying the issues in this matter.

As the Court is aware, Plaintiffs and Consolidated Plaintiff in this action argue, among other things, that SB 419 is preempted by federal law. *See* Complaint for Injunctive and Declaratory Relief, *Alario v. Knudsen*, No. CV-23-56-M-CWM (D. Mont. May 17, 2023), ECF 1 at ¶ 3; Complaint for Injunctive and Declaratory Relief, *TikTok v. Knudsen*, No. 23-61-M-DWM (D. Mont. May 22, 2023), ECF 1 at ¶ 7(b). The parties respectfully submit that an extension of the stay would be appropriate because the President’s course of action will clarify

issues of fact and law in this action, including by informing the Court’s preemption analysis. An extension of the stay would not prejudice any party, as reflected by this joint motion. *Safari Club Int’l v. Bonta*, 2023 WL 3505373, at *1 (E.D. Cal. May 17, 2023) (“Because no party objects to the entry of a stay and in fact jointly so move, no prejudice or harm from the granting of a stay is apparent on the record. Thus, the court will grant the parties’ joint motion to stay this action.”). Accordingly, the parties respectfully submit that the factors considered for a stay are satisfied in this case.¹

CONCLUSION

For the foregoing reasons, the parties respectfully request that the Court enter an order (i) extending the stay of proceedings in this case pending the President’s determination of an appropriate course of action with respect to TikTok; and (ii) directing the parties to file a status report within 90 days of the date of the Court’s order on this motion. In accordance with Local Rule 7.1(c), a proposed order is attached as **Exhibit C**.

¹ For avoidance of doubt, this joint motion for an extension of the stay should not be construed as requesting any modification to the preliminary injunction ordered by the Court on November 30, 2023 (Dkt. 113).

DATED this 6th day of February, 2025.

/s/ Natasha Prinzing Jones

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